

Notice of Allowability

Application No.

10/611,990

Examiner

Helene Klemanski

Applicant(s)

MIYAMOTO ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and TD filed June 13, 2005.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 15 October 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

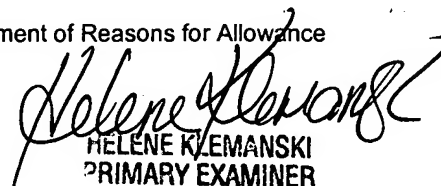
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 81705.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HELENE KLEMANSKI
PRIMARY EXAMINER
GROUP 1700

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Sheldon I. Landsman on August 15, 2005.

The application has been amended as follows:

In claim 13, line 1, the term "using" has been replaced with the phrase "recording an image on an image receiving material with".

In claim 18, line 4, the phrase "the group consisting of" has been inserted between the term "from" and the colon.

Terminal Disclaimer

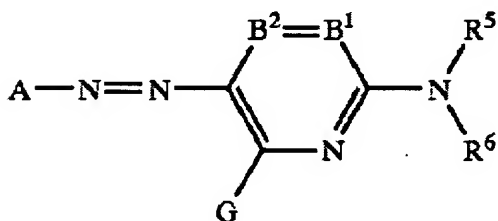
2. The terminal disclaimer filed on June 13, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application No's. 10/807,442, 10/805,251, 10/600,831, 10/806,452, 10/660,653 and 10/806,424 has been reviewed and is accepted. The terminal disclaimer has been recorded. Accordingly, the provisional obviousness-type double patenting rejections over the above Application No's. have been overcome and are now withdrawn.

Response to Arguments

3. It is noted that claim 18 does not specifically define the terms m and n of the formula $\text{HO}-(\text{C}_2\text{H}_4\text{O})_n-(\text{C}_3\text{H}_6\text{O})_m-(\text{C}_2\text{H}_4\text{O})_n-\text{OH}$, however, it is the examiner's position that the phrases "having a molecular weight of 500 to 10,000" and " $\text{C}_2\text{H}_4\text{O}$ content of 0% to 55%" are sufficient to define the terms m and n.

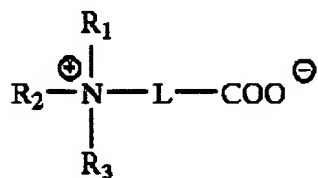
Reasons For Allowance

4. The following is an examiner's statement of reasons for allowance: This application teaches an ink jet ink for ink jet recording comprising at least one azo dye of the formula



wherein the variables are defined in the specification that is dissolved or dispersed in an aqueous medium and a betaine surfactant. Applicants have filed a certified English language translation of the foreign priority document therefore; the effective filing date of this application is July 4, 2002. The closest prior art of record is US 2004/0011248, issued to Taguchi et al., which teaches an ink jet ink set comprising a plurality of ink compositions, each ink composition comprising an aqueous medium, an azo dye of the formulas as disclosed and a betaine surfactant of the formula

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wherein R₁, R₂ and R₃ each represents an alkyl group, an aryl group or a heterocyclic group wherein at least two of R₁, R₂ and R₃ may be linked with each other to form a ring; L represents a divalent linking group and at least one of R₁, R₂, R₃ and L is a group having from 8 to 40 carbon atoms. The effective filing date of the Taguchi et al. reference is June 23, 2003, which is after the effective filing date of the instant application. Accordingly, Taguchi et al. is not available as a reference against the present claims and the application is being passed to issue.

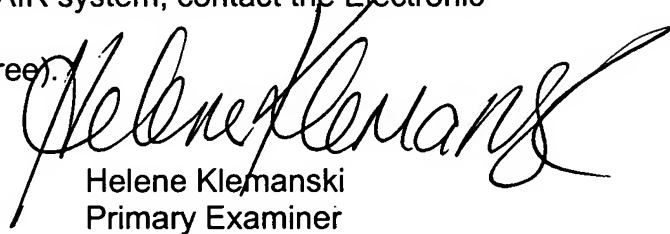
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helene Klemanski
Primary Examiner
Art Unit 1755



HK

August 18, 2005